

ORDINANCE NO. 3350

AN ORDINANCE OF THE CITY OF SANFORD, FLORIDA, DELETING SECTION 18-18 OF CHAPTER 18, ARTICLE I, OF THE SANFORD CITY CODE, AND CREATING ARTICLE VII OF CHAPTER 18 OF THE CITY CODE ENTITLED "NOISE REQUIREMENTS, REGULATIONS & MEASUREMENTS," PROVIDING GENERAL REQUIREMENTS REGARDING NOISE; NOISES TO WHICH THE STANDARDS APPLY; PROHIBITED ACTS; EXEMPT NOISES; MECHANICAL LOUD SPEAKERS OR AMPLIFIERS; METHOD OF NOISE MEASUREMENT; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF SANFORD, FLORIDA:

SECTION 1 - Deletion of Section 18-18

Section 18-18 of Chapter 18 of the City Code entitled "Loud and Unnecessary Noises Prohibited; Enumerated; Exception," located in Article 1 of Chapter 18, is hereby deleted in its entirety.

SECTION 2 - Article VII of Chapter 18

Article VII of Chapter 18 of the Sanford City Code entitled "Noise Requirements, Regulations and Measurements" is hereby created as follows:

SECTION A - General Requirements

(1) The requirements of Chart 1 shall apply to all noises (except those specifically exempted in Section D), including continuous and intermittent noise, tones, impact noise, and noise emitted by speaker boxes, pick-up and delivery trucks and any other commercial or industrial activities which are under the control of the occupant of a building site.

(2) The noise levels listed in Chart 1 shall be those levels which may not be exceeded for a cumulative period of more than five (5) minutes in any sixty (60) minute period. Alternatively, these levels may not be exceeded for longer than eight and three-tenths percent (8.3%) of any measurement period, which measurement period shall not be less than thirty (30) minutes.

(3) Where the ambient noise level exceeds the allowable noise levels given in Chart 1, then the ambient level becomes the allowable exterior noise level.

CHART 1: MAXIMUM NOISE LEVELS IN A-WEIGHTED DECIBELS

This chart will be used to determine the maximum noise level, measured in A-weighted decibels, which may be generated in the following categories as measured at the property line of the recipient of such noise:

<u>Generating Category</u>	<u>Class A Standard 7 AM thru 10 PM</u>	<u>Class A Standard 10 PM thru 7 AM</u>	<u>Class B Standard</u>
Residential	60dBA	55dBA	65dBA
Office	70dBA	65dBA	75dBA
Commercial	70dBA	65dBA	75dBA
Industrial	75dBA	75dBA	85dBA

Class B Standards apply to noises originating from heavy manufacturing uses.

SECTION B - Prohibited Acts

(1) No person shall produce, cause to be produced, or allow to be produced, by any means, any sound within any property which, when measured inside or at the property line of the property receiving said noise, exceeds the applicable sound level limits set forth in Chart 1 and as measured as set forth in Section A.

(2) No person shall produce, cause to be produced, or allow to be produced, by any means, any sound on any street adjacent to any school, church, institution of learning, court while in session, or hospital, which when measured inside or at the property line of said school, church, institution of learning, court while in session, or hospital receiving said noise, exceeds the applicable sound level limits set forth in Chart 1 and as measured as set forth in Section A; provided, however, that streets adjacent to those properties shall be clearly marked by conspicuous signs identifying those areas.

SECTION C - Additional Prohibited Acts

(1) It shall be unlawful for any person to make, continue or cause to be made or continued any unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the corporate limits of the City.

(2) Except as otherwise provided in this section, the following acts among others are declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be all inclusive:

(a) Radios, phonographs, televisions, etc. Using, operating or permitting to be played, used or operated any radio receiving set, television set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle or chamber in which such machine or device is operated and who is a voluntary listener thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building or structure in which it is located shall be prima facie evidence of a violation of this section. It is unlawful for any person operating or controlling a motor vehicle in either a public or private place within the City to operate any sound amplifier which is part of, or connected to, any radio, stereo receiver, compact disc player, cassette tape player, or other similar device in the motor vehicle, in such a manner that, when operated, it is audible at a distance of thirty (30) feet or, when operated, causes a person to be aware of the vibration accompanying the sound at a distance of thirty (30) feet from the source.

(b) Sound trucks. No sound truck or other device or medium for amplifying sound shall be operated or permitted to operate within the City for advertising purposes or to attract the attention of the public, where the sound therefrom is transmitted from, to, in or over any public thoroughfare, park or other public place.

This section shall not prohibit the use of such sound amplification for disseminating religious or political messages, or information concerning civic, recreational and other matters of general public interest; provided permission for same is obtained from the Chief of Police, who is hereby authorized, directed and empowered to make and enforce reasonable rules as to such use with reference to time, place, volume, etc.

(c) Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to exceed the maximum noise levels set forth in Chart 1.

(d) Animals and birds. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

Cross reference - Barking and howling dogs prohibited, § 4-41(5).

(e) Defect in vehicle or load. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(f) Hawkers, peddlers, etc. The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.

(g) Noises to attract attention. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

(h) Transportation of metal rails, etc. The transportation of rails, pillars or columns of iron, steel or other material over and along streets and other public places upon carts, drays, cars, trucks or in any manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

(i) Pile drivers, hammers, etc. The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

(j) Blowers. The operation of any noise-creating blower or power fan or any internal-combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

(k) Recreational ramps. The use of any recreational ramps by a person upon a skateboard, roller skates, bicycle, coaster, toy vehicle or similar device in such a manner as to disturb the peace, quiet and comfort at any time of persons in any office, dwelling, hotel or type of residence. (Ord. No. 2094, § 1,3-12-90)

(l) Defects in equipment. The use of any mechanical equipment so out of repair or so defective that it creates unnecessary grating, grinding, rattling or other noise

The provisions of this section shall not be construed to prohibit music being made upon streets or sidewalks by brass bands or other bands, nor to prohibit religious organizations from beating drums in their religious worship. (Code 1954, §§ 18-28, 18-29; Ord. No. 1758, § 1, 6-10-85; Ord. No. 2094, § 1, 3-12-90)

SECTION D - Exempt Noises

The following types of noises shall be exempt from the provisions of this Chapter:

(1) Noises from temporary construction and maintenance activities between 7:00 a.m. and 9:00 p.m. except Sundays and federal holidays.

(2) Noises from safety signals, emergency equipment and vehicles, warning devices and

emergency pressure release valves and law enforcement activities, including training.

(3) Noises from motor vehicles such as automobiles, trucks, airplanes and railroads which are not under the control of the user.

(4) Ordinary domestic noises provided such noises comply with the requirements of Chart 1.

(5) Noises such as those from show and ride attractions, fireworks, show pyrotechnics, aerial displays, sound effects, theatrical sound systems, music and human voices associated with Special Events, with case by case conditions as approved by the City Commission or authorized designee.

(6) Reasonable or ordinary noises attendant upon athletic contests or lawful public or semi-public meetings, parades or celebrations, or in connection with a Special Event approved by the City Commission or authorized designee, in which case conditions and limitations of the specific Special Event shall apply.

SECTION E - Mechanical Loud Speakers or Amplifiers; Permit for Use

(1) It shall be unlawful to use any mechanical loud speaker or other sound-amplifying device on a truck or other moving vehicle or out of doors on a public, semi-public or private property except under a permit issued by the Chief of Police or City Manager.

(2) No person shall use a loud speaker or other sound-amplifying device between the hours of 10:00 p.m. and 7:00 a.m.

(3) No person shall use a loud speaker or other sound-amplifying device within 1,000 feet, as measured by direct line from the noise source to the property line, of any school, church, hospital, court of law, or public transportation facility without the permission of that adjacent property owner.

(4) Each permit application will include the name, address, and telephone number of the permit applicant, the time, date, and location, the loudspeaker or sound-amplifying device to be used, and a description of the loudspeaker or sound-amplifying device including its decibel level. The application must be submitted to the City Manager at least 72 hours in advance to insure sufficient processing time and must be accompanied by a \$5.00 processing fee. Any application received less than 72 hours in advance may be subject to non-approval for lack of processing time.

(5) Upon receipt of the permit application and processing fee, the City Manager will review the application, and forward it to the Chief of Police for action if it deals with mobile sound sources. The Chief of Police or City Manager may issue a permit good for no more than a twenty-four (24) hour period, provided the proposed activity:

- a) complies with subsections (B) through and including (D) of this section;
- b) will not interfere with any governmental function or with any event previously permitted pursuant to the City Code;
- c) is not for a fixed location within 1,000 feet of the sound source, as measured by direct line distance, of an activity previously permitted under this section for the same date and time; and
- d) is not an activity and/or location which has previously received noise complaints for similar type events.

SECTION F - Method of Noise Measurement

All measurements shall be made with a sound level meter which satisfies the requirements pertinent for Type 2 Sound Level Meters in the American National Specification for Sound Level Meters, S1.4-1983. The sound level meter shall preferably have an AC output port to permit the use of headphones. The sound level meter shall be calibrated following the meter manufacturer's recommendations within an acoustical calibrator or a piston phone calibrator. A windscreen shall be utilized with the sound level meter. The measurements shall in general be made in accordance with American Society for Testing and Materials ASTM E1014-84, entitled "Standard Guide for Measurement of Outdoor A-Weighted Sound Levels". The A-weighting scale of the sound level meter shall be utilized.

SECTION 3 - Conflicts

All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 4 - Severability

If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other Section or part of this Ordinance.

SECTION 5 - Effective Date

This Ordinance shall become effective immediately upon its passage and adoption.

Passed and Adopted this 28th day of July, 1997.

ATTEST:

Janet R. Dougherty
CITY CLERK

CITY OF SANFORD, FLORIDA

[Signature]
MAYOR

Kerry D. Lyons
[Signature]
Valma Williams
[Signature]
As the City Commission of the City of
Sanford, Florida

CERTIFICATE

I, Janet R. Dougherty, City Clerk of the City of Sanford, Florida, do hereby certify that a true and correct copy of the foregoing Ordinance No. 3350, PASSED and ADOPTED by the City Commission of the City of Sanford, Florida, on the 28th day of July, 1997, was POSTED at the front door of the City Hall in the City of Sanford, Florida, on the 29th day of July, 1997.

Janet R. Dougherty
As the City Clerk of the City of Sanford,
Florida

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